Applications to Government:

Rules for the preparation, submission and disposal of the —

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Resolution No. OFC. 1058-B.

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Sachivalaya, Bombay, 3rd December 1958. / Agrahayana 12, 1880.

RESOLUTION.

In order to have a uniform procedure for all the areas of this State, and in supersession of the orders contained in Government Resolution, Political and Services Department, No. 2034/34 of 14th August 1950, and of all the orders that may have been issued in this respect by the former States of Madhya Pradesh, Hyderabad, Saurashtra and Kutch, Government is pleased to prescribe the accompanying rules* for the preparation, submission and disposal of applications to Government. Attention is particularly invited to the Rule 3 of the Rules which lays down that anonymous applications are to be investigated when specific instances, which are of sufficient public importance and capable of verification are mentioned therein.

2. The Rules should be published in the *Bombay Government Gazette* in the form of Notification.

3. The Examiner of Books and Publications to the Government of Bombay should arrange for the translation of the Rules into the recognised regional languages of the State, viz., Marathi, Gujarati and Hindi (in Devnagri script) and to forward the translation to the Director, Government Printing and Stationery, Bombay, who should arrange for their printing.

4. The Director, Government Printing and Stationery, should be requested to keep in stock sufficient number of copies of the Rules in English and in the recognised regional languages for sale to the public and for supply to offices requesting additional copies.

5. The Departments and offices of Government should observe the instructions strictly with a view to achieve the object of curtailing avoidable work in Government Departments and offices. Steriotyped replies in respect of applications which need not be attended to, should be cyclostyled or printed in order to reduce the typing work. At the same time, whatever applications are required to be attended to should be dealt with promptly and efficiently, and with the fullest possible understanding and sympathy so as to do adequate justice to the applicants.

By order and in the name of the Governor of Bombay,

N. T. MONE,

Chief Secretary to the Government of Bombay,
Political and Services Department.

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*Printed as an accompaniment to the Government Resolution.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Personal Assistants to the Ministers and Deputy Ministers,

The Clerk-typist to the Parliamentary Secretary to the Chief Minister,

The Director of Publicity, Government of Bombay,

The Examiner of Books and Publications to the Government of Bombay,

All the Commissioners,

All the Collectors,

All the Departments of the Secretariat,

All the Heads of Departments and Offices under the several Departments of the Secretariat,

*The Registrar, High Court (Appellate Side), Bombay,

*The Prothonotary and Senior Master, High Court, Bombay,

The Director, Government Printing and Stationery, Government of Bombay.

*By letter.

No. of 1958.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Political and Services Department, No. OFC. 1058-B, dated the 3rd December 1958/ Agrahayana 12, 1880.

POLITICAL AND SERVICES DEPARTMENT.

Sachivalaya, Bombay, 3rd December 1958. / Agrahayana 12, 1880.

NOTIFICATION.

No. OFC. 1058-B.—Government is pleased to prescribe the following revised rules for the preparation, submission and disposal of applications to Government :—

RULES FOR THE PREPARATION, SUBMISSION AND DISPOSAL OF APPLICATIONS TO GOVERNMENT.

For the purpose of these rules the term "Application" shall include all letters or communications containing grievances, complaints, representations and requests for advice and assistance and which are in the nature of applications, appeals or memorials.

PART I—*Instructions to applicants.*

1. Applications regarding personal grievances should be accepted only from the persons aggrieved. Applications to Government made by or through agents will ordinarily be left unnoticed.

2. Applications must either be delivered personally or forwarded through the Post Office. When forwarded through the Post Office postage must be invariably paid.

3. (*a*) Every application should be authenticated by the signature of the applicant (or applicants if it is a joint application). If the applicant is unable to sign, he should authenticate his application by the thumb impression (or thumb impressions in case of a joint application). Anonymous applications will be filed without taking any action thereon except when specific instances capable of verification are mentioned and are of sufficient public importance to be investigated.

(*b*) When a signed application is proved to be pseudonymous it will be treated in the same manner as an anonymous application.

4. An application will be disregarded if it is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character or is so belated that its consideration is clearly impossible.

5. Every application to Government should be written as concisely as the nature of the case admits of. It should at the same time contain all material statements and arguments relied upon by the applicant, be complete in itself and end with a specific request. Government will not entertain an application if it is found to be illegible, unnecessarily prolix or couched in unintelligible exaggerated, disrespectful or improper terms. Such applications will be returned to the parties concerned for amendment.

6. Applications will not be received by Government regarding any matters which form the subject of judicial proceedings in the Courts, or which properly fall within the jurisdiction of the Courts; nor will Government receive applications containing complaints relating to the administration of Civil or Criminal justice, under circumstances which leave other modes of obtaining redress open under the regulations.

7. In the case of private persons appeals in administrative matters outside the law are not admissible where the person concerned cannot allege that he has been treated unjustly or has sustained any actual loss, but merely claims some pecuniary or other concession as a matter of grace.

8. Any person having cause of complaint against the proceedings of any Civil Officer of Government is, in the first instance, to seek redress from that Officer's immediate superior, who, if he declines compliance, is to give the applicant a written endorsement or order, setting forth the grounds upon which the request is refused. If the applicant is disatisfied with this order, he is at liberty to address the Chief Local Authority and eventually the superior civil authority by whom the Chief Local Authority is controlled, or, in the event of there being no such intermediate controlling authority; Government :

Provided that where the issue turns on a question of fact there shall be only one appeal in respect of the proceedings of any gazetted officer or of a decision in appeal by such an officer.

9. The preceding rule is not to be interpreted as precluding the Chief Local Authority or controlling authority from using their discretion regarding the presentation, direct to themselves, of applications and complaints which have not been previously submitted to officers subordinate to them.

10. Government will not however receive an application on any matter, unless it shall appear that the applicant has already applied to the Chief Local Authority, and, where such exists, to the controlling authority. The applications to the Chief Local Authority and to the controlling authorities, or copies of them and the answers to, or orders upon, those applications, in original, or copies of them, must be annexed to all applications addressed to Government. The copies required by these rules are not required to be certified copies. Applications by telegraph will in most cases violate these rules and will not generally be answered or be attended to.

(G.C.P.) L-A G. A. D. H 260—2 (2,000—9-60)

11. No notice will be taken by Government and its officers of applications from communal organisation and political matters.

12. An application should be addressed to only one individual in Government, either the Minister or the Secretary of the Department concerned. If it is found that the application is addressed to different individuals in the same or different Departments concerning the same matters, no notice will be taken of such applications.

13. Applications for situations in the gift of local or controlling authorities or for admission into the public service except those received in response to an advertisement, will as a rule, be left unnoticed.

14. Government will not entertain an appeal from a person in the employment of a local board, a municipality, a notified area committee, or a sanitary committee, in respect of any action or decision on the part of the authority employing him, affecting the terms of his employment.

This rule does not apply to the employees of School Boards, the terms of whose employment are regulated by the Education Department.

15. (*a*) Applications to Government from persons in the service of Government relating to any matter affecting their official position will not be entertained unless forwarded through their official superiors. Government servants who may have occasion to address applications of appeal to the Ministers may however send an advance copy of the application to the Minister concerned. None-the-less a Government servant should not forward an advance copy of an application to the Minister if his original application is not addressed to the Minister but is addressed only to an officer of Government.

(*b*) Every officer in civil employ wishing to apply to Government should do so individually.

16. When a Government servant desires to put his case personally before the Minister he should first ask for permission for a interview with the Minister concerned through the proper channel and on such permission being granted, he may see the Minister. Heads of Offices and Departments should not withhold such applications for interviews when addressed to the Ministers through them, for this purpose.

17. Government servants who are personally acquainted with the Ministers are free to visit the Ministers without obtaining permission through the usual channel, but it will be expected that during such visits no representation will be made regarding official matters in which they are personally concerned.

18. Government servants are not expected to ventilate their grievances through extra-departmental authorities and private bodies or individuals. If applications on official matters from Government servants are received through any channel other than official superiors, they will be returned.

19. No appeal is admissible from a person in the service of Government when the action desired by such person is in the nature of a favour and not of a right or when such person has failed to obtain an appointment to which considerations of seniority are not usually held to apply. When an application of appeal of this nature is received, it will be returned to the applicant with an endorsement referring him to this rule.

20. Government after passing a final order on an appeal made to it, will not notice a second application on the same subject, unless new matter requiring special consideration is introduced.

21. The exercise of special revisionary power by Government or any high officer of Government will be restricted to cases where it is necessary to remedy some fragrant irregularity.

22. When an application is to be returned as not being drawn up or presented in conformity with the preceding rules, it will be returned with a forwarding letter specifically pointing out which of the rules has been infringed. A copy of the particular rule infringed by the applicant will be attached to the forwarding letter.

PART II—*Instructions for the guidance of Government Departments.*

23. (*a*) All applications from private or non-official persons or bodies as well as from officers not in the service of Government which are received direct by a Government Department should at once be acknowledged with an intimation that they will be considered.

(*b*) When a person forwards an application by a messenger with a delivery book or form the entry in the book or form should be signed by the Receipt Clerk so that the person sending the application may be satisfied that the application has been delivered appropriately by the messenger. Formal acknowledgment letters should be issued in such cases also.

(*c*) When a department which receives an application, the subject matter of which pertains to another department, the department which first receives the application should acknowledge it before transferring it to the department concerned for disposal, intimating at the same time to the applicant that the application has been transferred to a particular department and that he should address all further correspondence in the matter to the department to which his application is transferred. If the applicant continues to address his communications on the same matter to the original department without giving sufficient reasons, such communications should be disregarded.

24. The following classes of applications should not be acknowledged :—

(*a*) Applications by telegrams, other than those on subjects of general public interest received from public bodies or recognised associations.

(*b*) Applications once acknowledged and returned to the applicants under the rules which are received back after compliance with the Rules.

(*c*) Applications for situation in the gift of local or controlling authority or for admission into public service.

(*d*) Applications against orders already declared to be final.

25. In the case of applications such as those referred to in the preceding rule, no further action will ordinarily be required except in the following cases :—

(*a*) Applications which deal with subjects which have not been fully considered by Government or upon which no orders have been passed ;

(*b*) Applications which recite new facts which were not within the cognisance of Government when they were first considered or orders were passed thereon ;

(*c*) Applications which relate to specific grievances not brought to the notice of Government before.

26. (*a*) Applications should be read carefully and dealt with promptly, expeditiously and satisfactorily. If delay in their disposal is likely to occur, the applicants should be informed accordingly and given an indication when a reply can be expected. It should be borne in mind that every Government servant is a servant of the public and that the public have a right to expect courtesy and care in the disposal of applications for advice and assistance.

(b) All applications should be labelled "Urgent" by an authority not below the rank of an Assistant Secretary. The Assistant Secretary should himself supervise the disposal of the case at every stage and should see that no avoidable delay occurs. Every application marked "Urgent" should be submitted by the Branch or Section dealing with it within a week of its receipt unless the time is extended by the Assistant Secretary in any particular case.

(c) If any matter requires to be seen and considered by more than one department of the Secretariat the papers should not be tossed for several days or weeks from one department to another, but they should be disposed of within a week ordinarily by discussion between Secretaries or Deputy Secretaries. Arrangements should be made for such discussion regularly twice or thrice a week between the departments concerned. The department dealing with the matter should see that this is done.

(d) If replies are not received promptly from the District Officers such cases should be put up for disciplinary action. The District Officers will be held personally responsible for delay occurring in offices under their control.

27. When an application is received against a Government servant from a private individual making definite allegations against him regarding corruption, dishonesty, favouritism, immorality, etc., and where some instances likely to lead to a successful enquiry are quoted, only the purport of the complaint should be forwarded for report. In case it is felt that mere purport of complaint is not likely to help the officer concerned to make an enquiry, a copy of the complaint may be sent, but in that case the name of the complainant or any other information which is likely to lead to identification of the complainant should not be given unless it is considered that the enquiry would suffer in the absence of these details.

28. In case an application is addressed by a person (either an official or a non-official) to Government through a subordinate officer, the officer through whom the application is forwarded should pass it on to Government only if the officer concerned himself is not fully competent to take action thereon.

29. When an application is addressed to Government by a private party either directly or through a subordinate officer of Government the orders of Government on the application should be communicated to the party concerned direct and not through the local officer. The local officer concerned should, of course, be informed separately of the orders passed by Government if the application was received through him.

30. Applications written in a recognised regional language of the State or applications written in English but signed in a recognised regional language of the State would be replied to in the language in which they are written or signed. "(Applications written or signed in Hindi in Urdu script should be replied to in Hindi in Devnagri script)".—(*vide* Government Resolution, Political and Services Department, No. OFC. 1059-B, dated the 17th July 1959.)

31. (a) The words "Petition" and "Petitioners" should not be used in official business in connection with any communication which is of the nature of an application or memorial.

(b) Applications should not be replied to except in the letter form.

By order and in the name of the Governor of Bombay,

N. T. MONE,

Chief Secretary to the Government of Bombay,
Political and Services Department.